

The progress of this case has been frustrated by what the Court can only interpret as Hochberg's repeated efforts to avoid answering the claims against her. Most recently, upon receipt of Defendant's counsel's third motion to withdraw, the Court scheduled an in-person hearing on the motion for January 4, 2024, and ordered Defendant herself to be present at the hearing. 12/20/2023 Text Order. Defendant failed to appear at the January 4, 2024 hearing as ordered. 01/04/2024 Minute Entry. Finally, after the Court had scheduled yet another in-person hearing to establish a renewed case management plan and expressly warned Defendant that failure to appear personally or through counsel would risk default, Mr. Dudelson made an appearance for Hochberg on February 11, 2024. Dkt. No. 68. The Court entered an amended case management plan, agreed to by the parties, after a two-month delay owing to Defendant's

dilatory conduct. Dkt. No. 69. On February 21, Defendant's counsel requested a one-week extension of time to file the answer, on the grounds that he had been advised by Defendant the previous week that she was undergoing medical testing and would contact him when they were complete but had not, and when counsel contacted Defendant to further discuss the case on February 20, Defendant advised counsel that she had been hospitalized for further testing. Dkt. No. 72. The Court granted the one-week extension, setting the answer deadline to February 29. Dkt. No. 73. On February 27, two days before the extended deadline for answer, Mr. Dudelson filed a motion to withdraw as counsel and requested a thirty-day stay of the proceedings. Dkt. No. 74. Defendant's replacement counsel cites several reasons for his motion, including Defendant's failure to pay his retainer, her unsettled purported termination of counsel on February 12 but continued failure to confirm termination, and hostility and false accusations against her counsel when he made efforts to discuss the case with her. Dkt. No. 75.

The election of counsel to represent Defendant is not something that Hochberg can turn on and turn off, whenever she chooses not to meet a Court deadline. She has been warned that she would have to proceed with counsel or proceed pro se. Not weeks ago, she elected to proceed with counsel. Having done so, counsel will file an answer on her behalf on the timetable set by the Court. If she chooses not to continue with counsel, then counsel may file the answer drafted by Hochberg tomorrow and simultaneously renew his motion to be relieved. At that point, with some assurance that the case will move forward with an answer either drafted by Hochberg or drafted by counsel, the Court will consider the motion to withdraw.

Accordingly, Defendant's motion for a thirty-day stay of proceedings is DENIED. Defendant's counsel's motion to withdraw is held *sub judice*.

SO ORDERED.

Dated: February 29, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge